

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America)

v.)

Celio C. DeLuna)

Case No. 24 MJ 3)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 3, 2023 to the present in the county of Milwaukee in the
Eastern District of Wisconsin, the defendant(s) violated:

Code Section

Offense Description

Title 18 U.S.C. §§ 2250(a)

Failure to Register as a Sex Offender

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Sworn by phone under Rule 4.1

Dep. Dakota Urban, USMS

Printed name and title

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Sworn to before me and signed in my presence.

Date: 01/03/2024

Judge's signature

City and state: Milwaukee, Wisconsin

Hon. William E. Duffin, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT REGARDING CELIO C. DELUNA

I, Dakotah Urban, Deputy United States Marshal (DUSM), being first duly sworn, do hereby declare and state the following:

I. INTRODUCTION

1. I am a Deputy United States Marshal (DUSM) assigned to the Eastern District of Wisconsin (E/WI)- Milwaukee. I have been employed with the United States Marshals Service (USMS) for approximately 4 years. I am currently assigned as the Sex Offender Investigations Coordinator (SOIC) for the Eastern District of Wisconsin. One of my responsibilities as the SOIC is to investigate crimes involving individuals who are convicted sex offenders, who have failed to register as required by 18 United States Code § 2250(a), also known as the Adam Walsh Child Protection and Safety Act of 2006. I graduated from the USMS Training Academy, and the Criminal Investigator Training Program (CITP) at the Federal Law Enforcement Training Center (FLETC) located in Brunswick, GA. Prior to employment with the USMS, I was employed with the Immigration and Customs Enforcement (ICE) - Enforcement and Removal Office (ERO) in St. Louis, MO. I graduated from the University of Missouri- St. Louis with a bachelor's degree in criminology and criminal justice.

2. This affidavit is made in support of a criminal complaint charging CELIO C. DELUNA aka Cody BANKS, with Failure to Register as a sex offender, in violation of 18 U.S.C. § 2250(a).

3. Because this Affidavit is submitted for the limited purpose of securing a federal arrest warrant, it does not include every fact known to me concerning this investigation.

4. The information set forth below has come from either personal investigation or has been relayed to me personally by other law enforcement officers or lay witnesses associated with this investigation.

II. RELEVANT TERMINOLOGY

5. Failure to Register as a Sex Offender: Title 18, United States Code, Section 2250 makes it a federal criminal offense for any person who is required to register under the Sex Offender Registration and Notification Act (SORNA) and is a sex offender by reason of conviction that qualifies under Federal Law, and travels in interstate or foreign commerce, or enters, leaves or resides in Indian Country, to knowingly fail to register or update a registration as required by the Sex Offender Registration and Notification Act.

6. Definition of "Sex Offender": Title 42, United States Code, Section 16911(a) defines "sex offender" as an individual who was convicted of a sex offense.

7. Registry Requirements for Sex Offenders: Title 42, United States Code, Section 16913(a) requires a sex offender to register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. Title 42, United States Code, Section 16913(c) requires a sex offender to update his or her registration no later than three (3) business days after each change of name, residence, employment, or student status.

III. INVESTIGATION AND BACKGROUND

8. On May 23, 2014, CELIO C. DELUNA was convicted of Aggravated Criminal Sexual Assault Causing Bodily Harm in Cook County, IL in violation of Illinois State Criminal Statute 720-5/11-1.30(a)(2), case number 11CR1722101. The offense committed by CELIO C. DELUNA, who was 20 years old at the time, involved DELUNA having sexual intercourse on

several occasions with a 13-year-old female juvenile victim and ultimately spreading the incurable Sexually Transmitted Disease (STD) Herpes to that juvenile victim. This conviction is a “sex offense” pursuant to Title 42, United States Code, Section 16911(a). DELUNA was sentenced to six (6) years custody of the Illinois Department of Corrections (ILDOC) for his conviction. DELUNA is also required to register as a convicted Sex Offender for the remainder of his life according to the Illinois State Sex Offender Registry. This State conviction also requires DELUNA register under the Sex Offender Registration and Notification Act (SORNA) as a sex offender pursuant to Federal Law.

9. According to police reports and the Criminal Complaint in Cook County case number 11CR1722101 charging CELIO C. DELUNA with the above-mentioned Sex Offense, in 2011 DELUNA had sexual intercourse with a 13-year-old female victim on multiple occasions during the month of August 2011. DELUNA was a neighbor of the victim at the time and provided the female juvenile with marijuana on several occasions prior to having sexual intercourse with her. After the victim’s father became aware of the sexual intercourse involving his daughter, he reported it to the Cicero Police Department located in Cicero, IL. Following a medical examination after the described sexual assaults, it was discovered the female juvenile victim contracted Herpes from these sexual interactions with DELUNA. Several individuals also told law enforcement officials that they informed DELUNA that the victim was only 13 years old prior to any of the sex acts having occurred. Those individuals included the victim herself, the victim’s grandfather, and the victim’s friend.

10. On May 20, 2019, CELIO C. DELUNA; DOB: 02/19/1991 signed, dated, and initialed the Illinois Sex Offender Registration (SOR) Act Registration Form (ISP-4-84). According to this form and the Illinois Sex Offender Registry (SOR), DELUNA is considered a

Sexual Predator and “must register in person every year for the period of your natural life.” DELUNA initialed next to this SOR provision along with the other thirteen (13) required provisions. This signed document also states that, “Under the Adam Walsh Child Protection and Safety Act of 2006, 18 United States Code 2250, if you travel to another state and fail to register as required, you are also subject to federal prosecution that carries penalties of a fine and/or imprisonment up to 10 years.”

11. On November 3, 2023, your affiant received an investigation lead from the United States Marshal Service working in the Western District of Oklahoma (W/OK) regarding Unregistered Sex Offender CELIO C. DELUNA (FID #11354090) who had left the state of Illinois and relocated to Oklahoma, where he failed to register as a sex offender.

12. As a result of that lead, your affiant communicated with Deputy United States Marshal (DUSM) Darrell Clark in W/OK and your affiant was informed by DUSM Clark, that he was investigating CELIO C. DELUNA for an 18 U.S.C. 2250- Failure to Register violation.

13. During the initial course of his investigation in W/OK, DUSM Clark was able to locate DULUNA living at XXX S. McKinnley St. in Oklahoma City, OK. DUSM Clark stated that he spotted DELUNA at this address and was able to take photos of him at that time. However, DUSM Clark was able to verify that DELUNA had not registered in Oklahoma as required. Shortly following this discovery, DELUNA left Oklahoma and his whereabouts were unknown until further future investigative efforts were made by DUSM Clark revealing new details.

14. The investigative lead received from the Western District of Oklahoma further explained that DUSM Clark was eventually able to locate the alias, Cody BANKS being used by CELIO C. DELUNA. That alias was found using open-source Facebook searches. DUSM Clark

located a public Facebook page belonging to “Cody BANKS” which depicts a cover photo and profile picture of DELUNA and an unknown female subject at the following location on Facebook; https://www.facebook.com/cicero.deluna.33_ That Facebook page also stated that Cody BANKS is in “a relationship with” H.H. (the Facebook page identified H.H. by her full name which is anonymized in this affidavit so as to protect H.H.). The Facebook page also stated that he, “Lives in Cicero, Illinois”, and is, “From Cicero, Illinois.” When viewing the public Facebook page of H.H., DUSM Clark was able to determine that the individual depicted as Cody Banks on her Facebook page was DELUNA and was the same picture used by DELUNA in his profile picture as the woman in a relationship with DELUNA. Your affiant noted that both photos were, in fact the identical photo of H.H. and Cody BANKS aka CELIO C. DELUNA as the one contained in the Cody BANKS’ Facebook page. Your affiant looked at the woman’s Facebook profile, <https://www.facebook.com/xxxxxxxxx7946> and it states that she is, “In a relationship with Cody Banks”, describes herself as, “28.Aquarius.Mommy” and as, “Cody’s wife.” The woman’s Facebook page also states that she attended, “Hamilton High School, Milwaukee, WI”, and that she, “Lives in Milwaukee, Wisconsin.” Your affiant was also told by DUSM Clark that, through his investigation, he was able to link H.H.’s profile page to a real person, H.H., who lives in Princeton, WI.

14. On November 6, 2023, your affiant located a valid Driver’s License for H.H. with the address of 311 X. XXXXXX St. located in Princeton, WI. Your affiant used that Driver’s License photo to confirm the Facebook profile belonging to H.H. was the same person on the Facebook profile as depicted in the Drivers License.

15. On November 14, 2023, your affiant spoke with the Princeton, WI Police Department, Chief of Police regarding H.H. and the 311 X. XXXXXX address. Your affiant was

informed by the Princeton WI Police Chief that he was familiar with H.H. and her address. Although no recent service calls were conducted at the address, information was corroborated between the Police Chief and your affiant that an unknown Hispanic male subject was currently residing with H.H. and her two minor children at her residence. The Princeton Police Chief stated that he has observed H.H. on multiple occasions with a person who appeared to be H.H.'s new boyfriend for "at least the past few months." Your affiant was also informed that H.H.'s new boyfriend was possibly driving a pickup truck that is frequently parked in the driveway of her residence. Your affiant sent the Police Chief a picture of DELUNA, and the Police Chief stated that he was certain the person depicted was the same person he has seen with H.H. in the recent past. Your affiant searched the Sex Offender registry for the name of Celio DELUNA and/or Cody Banks in both Oklahoma and Wisconsin, and no one by either of these names has registered as a convicted Sex Offender in either state as required.

16. On November 21, 2023, your affiant traveled to Princeton, WI to try and determine if DELUNA is living with H.H. in Princeton, WI. Your affiant, as part of this investigation discovered that H.H. is currently enrolled for WI EBT Foodshare benefits and has used her card numerous times in the recent past at the local Kwik Trip #786 located in Princeton, WI, 54968, which is located approximately one block south from her residence. Your affiant proceeded to speak with Kwik Trip #786 Assistant Manager and was able to view surveillance footage of H.H. using her EBT card on multiple specific dates and times. Two of these specific dates and times are described below.

17. On November 14, 2023, at approximately 0733, at Kwik Trip #786, according to the Kwik Trip surveillance video footage, your affiant was able to identify H.H. and DELUNA

enter the business and make a purchase for \$13.98. They both exit together after making the purchase on H.H. WI EBT card.

18. On November 18, 2023, at approximately 0730, at Kwik Trip #786 according to the Kwik Trip's surveillance video footage, your affiant was able to identify H.H. enter the business, make a purchase for \$13.85, and exit the Kwik Trip. Directly following this purchase, H.H. can be viewed on the surveillance video footage returning to her vehicle, where DELUNA was observed waiting in the vehicle while it was parked at a gas pump. The two then drive away from the Kwik Trip together in the same vehicle they arrived in.

19. On November 21, 2023, following the review of the above surveillance footage, your affiant showed the Kwik Trip Assistant Manager a picture of DELUNA. The Assistant Manager informed your affiant that the manager is, "positive this is the male subject depicted in the surveillance footage and is the boyfriend of H.H." The Assistant Manager also stated that the manager has, "seen them together on multiple occasions over the past few months."

20. The address stated in this affidavit, 311 X. XXXXXX St. Princeton, WI is currently occupied by H.H., CELIO C. DELUNA, and H.H. two minor children. The house is located directly behind, and directly next to, a school and church called the Christ Alone Lutheran Academy- Princeton Campus. The residence is positioned directly next to the playground of the school, only separated by a short chain link fence, and the rear of the property ends at the rear of the school grounds. The Princeton City Park is also located less than a block away from the H.H and DELUNA's residence. It is unknown to your affiant if H.H. is aware of DELUNA's Sex Offender Status and whether she knows him under his real name, CELIO C. DELUNA or only by the name he uses on his Facebook, Cody BANKS.

IV. CONCLUSION

21. Based upon the information summarized in this Affidavit, your affiant submits that there is probable cause to believe that CELIO C. DELUNA is required to Register as a convicted Sex Offender under SORNA in the Eastern District and State of Wisconsin and has knowingly failed to report that he would be, and in fact has traveled in interstate commerce without reporting as required by the Sex Offender Registration and Notification Act (SORNA) in violation of Title 18, United States Code, Section 2250(a)(b).